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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,180	12/28/2001	Michael J. Gage	47639/PAN/C937	4859
23363	7590	07/19/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			WEBB, JAMISUE A	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3629	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,180

Applicant(s)

GAGE ET AL.

Examiner

Jamisia A. Webb

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18, 2, 22-26, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogilvie et al. (6,344,796).
4. With respect to Claim 1: Ogilvie discloses the use of a method for retrieving and storing packages (See abstract) comprising the steps of depositing a package for a registered user in one of a plurality of access controlled storage units (See abstract), and notifying a user that the package is available for retrieval (See Figure 3, column 4, lines 24-29).
5. With respect to Claim 2: Ogilvie discloses authenticating delivery service personnel at the node side prior to access with the storage unit (See Figure 3, Column 3, lines 45-64).
6. With respect to Claim 3: Ogilvie discloses authenticating the delivery service by validating an account number (the examiner considers the transaction code of Ogilvie to be an account number for the transaction, Column 4, lines 1-13) and an ID number of the delivery personnel (Column 3, lines 53-65).

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7. With respect to Claims 4 and 5: Oglivie discloses entering in a customer account number (which the examiner considers to be the access code created by the central controller for the customer to receive goods, Column 4, line 31-44).

8. With respect to Claim 6: Oglivie discloses requesting a storage unit for deposit (Column 4, lines 1-3).

9. With respect to Claim 7: Oglivie discloses selecting a storage unit, which are made of all different sizes, therefore selects a storage unit size (See Figure 1).

10. With respect to Claim 8: Oglivie discloses requesting package retrieval (Column 4, lines 34-35).

11. With respect to Claims 9-10: Oglivie discloses authenticating a user by validating an account number (transaction code) and a personal ID number (access code) (Column 4, lines 54-67).

12. With respect to Claim 11: Oglivie discloses validating the balance of user's account (Column 5, lines 22-30).

13. With respect to Claim 12: Oglivie discloses opening the storage unit (Column 4, lines 24-44).

14. With respect to Claim 13: Oglivie discloses recording the transactions (Column 2, lines 38-49).

15. With respect to Claim 14: Oglivie discloses recording date and time of package deposit and pick up and size of storage unit (Column 4, lines 24-53).

16. With respect to Claim 15: Oglivie discloses entering a unit number (column 3 line 66 to column 4 line 6).

17. With respect to Claim 16: See Oglivie, Column 4, lines 13-29.

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18. With respect to Claim 17: Oglivie discloses a system of one or more delivery node systems (10) having a plurality of storage units and a locker controller for controlling access (See Figure 1 and reference numeral 14).

19. With respect to Claim 18: Oglivie discloses the use of a user interface for communications (See 224 on Figure 1, and 22U in specification).

20. With respect to Claim 20: Oglivie discloses the use of a keypad as an input device for users (Column 3, lines 53-65).

21. With respect to Claim 22: Oglivie discloses the use of a security system (14, Column 3, lines 30-35).

22. With respect to Claim 23: Oglivie discloses the use of the delivery node communicating with the back office system via a communications network (Reference numerals 22U and 14).

23. With respect to Claim 24: Oglivie discloses the use of a communications network is a global network, which the examiner considers to be a wide area network (See Figure 2).

24. With respect to Claim 25: Oglivie discloses the use of a communications network that sends notification messages can send an Internet message, therefore the examiner considers this to mean the network comprises the Internet (Column 4, lines 29-31).

25. With respect to Claims 26 and 29: Oglivie discloses the user accesses a website to create a package delivery code and transaction code (column 6, lines 47-60). Therefore it is inherent that the system has access to the internet, so includes a router and web server, since the controller that stores the codes is a website.

26. With respect to Claim 30: Oglivie discloses multiple embodiments, one being a fixed node, where the customers add a permanent storage device to a building such as an apartment or a home, and further discloses a remote node, where the storage units are located at a delivery

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center, and discloses these nodes can be remotely controlled. And Further discloses the invention can be coupled with other unattended depot applications to create a completely new node in the logistics chain (column 2, lines 22-27).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

29. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oglivie in view of Kaarsoo et al. (5,475,378).

30. Oglivie as disclosed above for Claim 17 discloses the use of a control unit using a keypad to gain entry. However Oglivie, fails to disclose the use of a proximity card reader as well as a display for messaging the user. Kaarsoo discloses the use of a control panel that has multiple inputs and outputs a card reader, card slot, keypad and LCD display (see Column 3, lines 25-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to modify the control unit of Oglivie to include the card reader as well as the LCD display, as disclosed by Kaarsoo in order to improve the security of electronic access under central control and monitoring and to provide identification data (see Kaarsoo abstract, and columns 1 and 2).

31. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oglivie in view of Tsukuda (6,085,170).

32. Oglivie discloses a network that controls and manages the storage units, but fails to disclose a network with a transaction server and a database server. Tsukuda discloses a delivery managing system (See Figure 1) with a transaction server (113) and database servers (111, 112). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Oglivie, include the transaction server and database servers of Tsukuda, in order to improve the coordination of information for the delivery of goods to provide a smooth delivery system. (see Tsukuda, abstract and columns 1-3)

### *Conclusion*

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sansone et al. (6,028,517) discloses the use of delivery/pickup receptacles, controlled by a network, Mardon (5,126,732) disclose the use of a storage system with adjacent bins, Stephens et al. (6,323,782) disclose the use of an unattended item delivery system, VanTill et al. (6,404,337) disclose the use of a system over the internet which controls delivery to unattended storage systems, Ross (5,648,770) discloses the use of a system which notifies a recipient of an

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impending delivery, Stevens (WO 02/095536 A2) discloses the use of a system for an unattended drop box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JAW

  
DENNIS RUHL  
PRIMARY EXAMINER